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**REVISED DRAFT**  
**ROUTE 9 CORRIDOR**  
**REDEVELOPMENT INVESTIGATION REPORT**

**BERKELEY TOWNSHIP**  
**OCEAN COUNTY, NEW JERSEY**

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**Prepared For:**

**Berkeley Township Planning Board**

**August 13, 2004**

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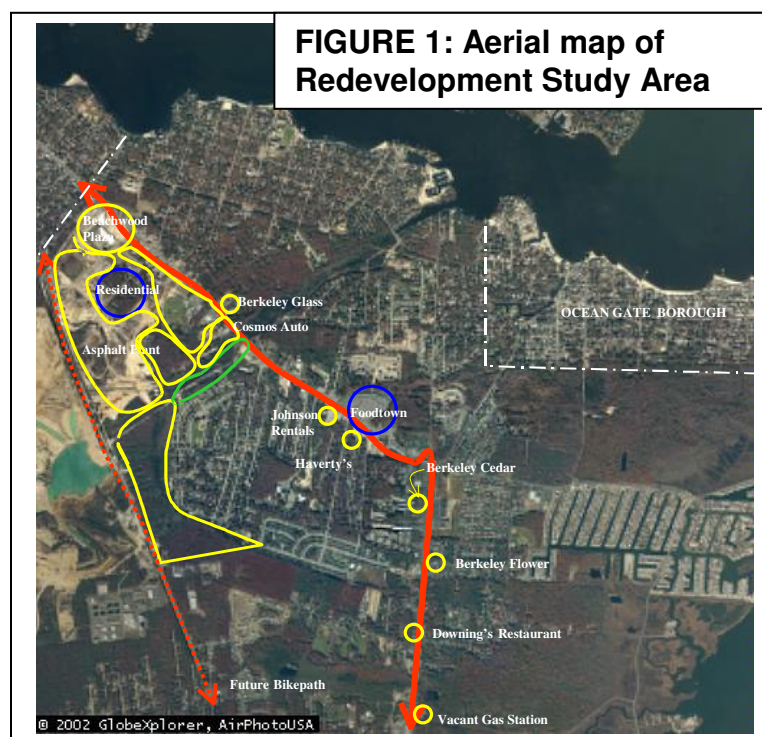
## **APPENDICIES**

## **1.0 INTRODUCTION**

### **1.1 Background**

This investigation report has been prepared to determine whether several properties along US Route 9 in Berkeley Township meet statutory criteria for designating an “area in need of redevelopment” pursuant to the Local Redevelopment and Housing Law. The Berkeley Township Council directed the Planning Board to conduct this investigation by Resolution 02-29-R on January 5, 2002 (see **Appendix A**).

The Route 9 Corridor study area (hereinafter referred to as “Study Area”) includes the entire length of US Route 9 within the Township, which is located in the Bayville section of Berkeley. Virtually all of the properties having lot frontage along US Route 9 are zoned HB Highway Business. In addition, several parcels located to the rear of the Beachwood Plaza Shopping Center, specifically situated between US Route 9, the Beachwood Borough municipal boundary, the Central Railroad right-of-way, Mill Creek and Segal Avenue, are included within the Study Area for consideration. Many of the properties to the rear of the Beachwood Plaza Shopping Center are zoned General Industrial and Light Industrial. **Figure 1** includes a location map showing the general setting of the Study Area. The areas indicated in yellow are parcels studied to determine if they meet the criteria as an area in need of redevelopment or rehabilitation.



The determination that the area should be studied is based on a number of issues. There are several properties within the Study Area that may be deemed unproductive or under productive, relative to the level of commercial and residential development in the Study Area. Some of these properties may be characterized by deteriorating physical conditions and have code violations which may have not been addressed to this date. Other properties may be in tax arrearage. Environmental factors may affect development of properties within the Study Area.

This investigation and the recommendations to follow will focus on facilitating the transfer of privately owned properties to new owners under the control of negotiated redeveloper agreements. This process will facilitate public/private partnerships to spur new development and will develop momentum for a higher level of private investment in the Study Area.

## **1.2 Methodology**

The balance of this report represents the results of an investigation that included analysis of the following relative to the Study Area:

- Exterior physical conditions of all buildings, structures and land via site inspections;
- Utilization of buildings and land via site inspections and analysis of tax records;
- Assessed values of land and improvements on each property;
- NJDEP aerial maps dating to 1997; and
- Identification of potential environmental contamination based on the US Environmental Protection Agency Superfund site information and CERCLIS Hazardous Waste Site data, NJDEP information on sties with on-site source(s) of contamination and New Jersey Landfill status database search results.

The conditions evidenced by the investigation are measured against the criteria for designation of an “*area in need of redevelopment*” and summarized in a fashion that enables a determination to be made regarding whether the properties considered within the Study Area meet the criteria.

## **2.0 STATUTORY REQUIREMENTS**

Under the Local Redevelopment and Housing Law (P.L. 1992, c.79), the designation of a Redevelopment Area must be based on an investigation of an area that exhibits conditions that contribute to the decline in property values and discourage private investment and which are not likely to improve through private market forces without the direct intervention of the governing body in the public interest. Specifically, the redevelopment area must contain a generality of properties that exhibit one or more of the following characteristics:

- a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.
- b. The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.
- c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.
- e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein or other conditions, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.
- f. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.

- g. In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment for the purpose of granting tax exemptions within the enterprise zone district or the adoption of a tax abatement and exemption ordinance. The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L. 1992, c.79 (C.40A:12A-1 et al.) for determining that the area is in need of redevelopment or any area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.

### **3.0 THE STUDY AREA**

#### **3.1 General Description of Study Area**

After an field review of the Study Area as outlined in **Section 1.1**, it was determined that 98 tax lots comprising 571.4848 acres have been analyzed for consideration as areas in need of redevelopment. For the purposes of this investigation, multiple tax lots under common ownership, or lots arranged as part of a common element for property management purposes, are considered a single property. Each of the investigation areas will be classified and outlined in greater detail in **Section 3.3** of this report. Maps are included in **Appendix B** depicting the Study Area, existing land uses and property locations.

#### **3.2 Existing Zoning Requirements**

Most of the Study Area is located in the Highway Business (HB) Zoning District, which extends along the entire length of US Route 9. Many of the properties located to the rear of the Beachwood Plaza Shopping Center are situated in the General Industrial (GI) and Light Industrial (LI) Zoning Districts.

The general use regulations in the Highway Business Zoning District are outlined below.

##### Permitted Uses

- Uses permitted in the Neighborhood Business (NB) Zoning District
  - Retail activities supported by the neighborhood residents, similar to but not limited to the following: groceries; vegetable and meat markets; bakeries; confectionary stores; including soft-drink counters; newspapers and magazines; drug stores; flower shops; hardware and paints; packaged liquors; stationery and tobacco shops.
  - Services supported by the neighborhood residents, similar to but not limited to the following: barber and beauty shops; tailor and dressmaking shops; banks and other money lending institutions; shoe repair shops; professional offices; self-service laundries; radio and television repair shops; dry cleaning collection, but not processing; real estate offices; sign painting and commercial artists.
  - Essential services.
- Retail activities supported by Township residents as a whole, similar to but not limited to the following: clothing stores, gift shops, furniture and appliance stores.

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- Services supported by the Township as a whole, similar to but not limited to the following: parking lots for private passenger vehicles; theaters and drive-in theaters; restaurants and diners; private schools conducted for a profit; funeral parlors; local offices of public utilities; taverns and bars; bowling alleys; veterinary offices and hospitals; drive-in ice cream or custard stands or snack bars which specialize in curb service; skating rinks; swimming pools; golf driving ranges; activities of a limited industrial nature; the finishing and assembling of articles made from previously prepared or refined materials; the preparation and fabrication of metal, paper and wood products; research activities, including laboratories and facilities used in connection with the testing, sale and lease of activities designed and produced in such laboratories; warehouse facilities; other similar industrial activities which will not interfere with or be objectionable to neighboring establishments along the highway and would not conflict with Township plans for an orderly growth of business activities along the state highway, such decision to be made by the Board.
- The offices of contractors and craftsmen subject to the following conditions:
  - The outdoor storage or display of vehicles, equipment and material shall be permitted provided same is located within the rear yard and setback a minimum of 10 feet from any side or rear property line. Vehicles, equipment and material shall be fenced and shall not be permitted in the front yard.
  - A 25-foot wide landscaped buffer shall be provided to any and all adjoining residential zones or properties which may abut the outdoor storage area.
- Services supported by neighborhood residents, as permitted in the NB Zone, are permitted in a residential building, provided said residential building is owner-occupied.
- The minimum lot size permitted in the HB Zone for a lot that does not provide sewer connection is 30,000 square feet. The minimum lot size permitted in the HB Zone for a lot that has a sewer connection is 15,000 square feet.

Conditional Uses

- Automobile repair shops, garages and gasoline stations.
- Cellular telephone towers and facilities in accordance with subsection 35-127.2.

Prohibited Uses

- All new and used car sales.



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The general use regulations in the GI and LI Zoning Districts are outlined below.

Permitted Uses in the GI and LI Zones

- Light manufacturing
- The warehousing and storage of goods and products excluding the warehousing and storage of hazardous chemicals.
- Wholesaling and distributing establishments, except for used automobiles.
- Scientific or research laboratories.
- Executive or administrative offices of an industrial, business or professional concern which are not normally involved in conducting business with the general public.
- Essential services.
- Agricultural activities as permitted in rural zones.

Permitted Uses in the GI Zone

- All uses permitted in the LI Zone.
- Concrete mix and concrete product plants and facilities.
- Gravel plants.

Permitted Uses in the LI Zone

- General assembly and packaging.
- Distribution centers.
- The fabrication of paper products, wood products, glass products and metal products.
- Wholesaling establishments.
- Wholesale building material supply yards, yards of contractors in the construction or building trades and similar operations requiring bulk storage of materials and equipment, such as building construction supplies, and the equipment, vehicles and supplies of heavy equipment contractors.
- Contractor or craftsman shops with equipment storage areas.
- Food and associated industries, including but not limited to bakeries, food processing, food sundry manufacturing.
- Commercial recreation facilities provided that:
  - Area shall not be less than 75 contiguous acres.
  - Not more than 25% of the gross land shall be covered by building.
  - At least 10% of the gross land area shall be devoted to open areas, i.e., areas not covered by buildings or pavement which may be used for active or passive outdoor recreation.
  - No structure shall be closer than 50 feet to any boundary line of the site. No pavement shall be closer than 20 feet to any perimeter property line.
  - No structure shall be more than 35 feet in height.

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- The continued use of the facility shall be subject to the operator obtaining an annual license.
- In the event the facility is to be used for automobile racing, i.e., a facility used to race automobiles or other motor driven vehicles against each other or against time, the use shall only be in accordance with the ordinance entitled "An Ordinance Providing for the Licensing of Motor Vehicle Racing Facilities and Racing Vehicles and Providing Standards for Same and Penalties for Violations," and amendments thereto to the Township of Berkeley. The site plan application shall demonstrate that the site incorporates design features which can be expected to result in compliance with the noise standards of that section.
- Existing airport and related facilities including a paved runway or runways, paved taxiways and paved ramps, and may include hangars, tie-down facilities, control towers, terminals and terminal activities, navigation instrument aids, maintenance facilities and operations, flight schools and operations, fuel storage, fuel dispensing equipment, fences and parking areas.

Conditional Uses in the GI and LI Zones

- Cellular telephone towers and facilities in accordance with subsection 35-127.2.
- Motor vehicle service stations.
- Existing mining and resource recovery operations and the expansion of these licensed operations.
- Class B recycling facilities in accordance with NJSA 13:1-E1 et seq.

Prohibited Uses in the GI and LI Zones

- The manufacturing and storage of explosives.
- Animal slaughtering and the rendering of fats and oils.
- The refining or bulk storage of petroleum products.
- Landfills, garbage dumps or refuse disposal facilities.
- Blast furnaces or foundries.
- Automobile reclamation centers or junkyards.

### **3.3 Descriptions of Parcels Comprising the Study Area**

In order to provide an accurate description of the physical condition of the properties considered, an analysis of the properties has been completed. Given the significant number of parcels studied, each of the areas cited has been identified with a familiar business/property name that indicates a use or former use on one or several of the properties listed. Included with each cited area are the number of parcels studied, the total acreage the parcels comprise, and the block and lot information.

- Beachwood Plaza (70 parcels – 490.269 acres) - Block 822; Block 824; Block 825; Block 825.01; Block 825.02; Block 826; Block 826.01; Block 827; Block 829; Block 829.01; Block 830; Block 837; Block 837.01; Block 858, Lots 46, 46.01 & 46.02
- Downing's Restaurant (3 parcels – 2.3445 acres) – Block 858, Lots 29, 30 & 31
- Bayville Glass (1 parcel – 13.05 acres) – Block 882, Lot 4.01
- Berkeley Flower Shop (2 parcels – 0.6936 acres) – Block 1228, Lots 6.04 & 7
- Moby's Retail Center (4 parcels – 5.66 acres) – Block 956, Lots 1, 2, 3.01 & 3.02
- Dream Motors (3 parcels – 7.22 acres) – Block 1014, Lots 16, 17 & 17.01
- Bayville Cedar Products (1 parcel – 0.81 acres) – Block 858.17, Lot 14.01
- Vacant Gas Station (1 parcel – 3.39 acres) - Block 1301, Lot 6
- Vacant Professional Building (1 parcel – 10.194 acres) – Block 1333, Lot 13.01
- Haverty's (4 parcels – 1.98 acres) – Block 839, Lots 1.01, 2, 3 & 4
- Johnson Rentals (2 parcels – 4.54 acres) – Block 837.02, Lots 2 & 2.01

Photographs of the areas are included within the report to provide site-specific images of each area.

#### Beachwood Plaza

The largest group of parcels investigated is referred to as the “Beachwood Plaza” area. Located at the northern end of the Study Area, this is the largest group of parcels to be studied, comprising 70 parcels totaling 490.269 acres. The Beachwood Plaza parcels are bounded by US Route 9, Beachwood Borough, the Central Railroad right-of-way, Mill Creek and Segal Avenue, which is illustrated on a map in **Appendix C**.

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The site is accessible from US Route 9 and Beachwood Borough. The County and Township Master Plans propose extension of Western Boulevard through the area to facilitate future traffic flow. A map illustrating the existing land use for the Beachwood Plaza area is in **Appendix B**.

Several owners hold title to the 70 parcels in the area referred to in this report as Beachwood Plaza, as outlined below.

ADDRESS	OWNER	BLK	LOT	EXISTING USE	LOT AREA
Route 9	Melillo, Michael A. & Ruth M.	822	1	Auto body	1.1652 ac
46 Route 9	Beachwood Mall	824	1	Shopping center Asphalt facility	142 ac
824 Route 9	Cumberland Farms Inc.	824	1.01	Gas station	0.4 ac (irregular lot)
Locker St.	Berkeley Twp. Sewerage Authority	824	1.02	Public use	0.0574 ac
54 Route 9	First Union Corp. Tax Division	825	1	Bank	2.02 ac
35 Locker St.	Moore, George F., Mildred & Francis	825.01	1	Residential	0.2296 ac
33 Locker St.	Corliss, Bill & Christine	825.01	2	Residential	0.2296 ac
66 Route 9	Moore, H. Scott	825.02	3	Garden center and 2 other retail uses	2.7548 ac
72 Route 9	Webster, Henry C Jr & Karen	825.02	6	Auto lube shop	0.9183 ac
12 Gladney Ave	Northeast Mall Ltd c/o Johnson	825.02	8	Vacant	1.3774 ac
26 Gladney Ave	Russo, Sam	825.02	12	Auto business	0.6887 ac
9 Gladney Ave	Hurler, John G	826	1	Car wash	0.9183 ac
80 Route 9	Kromer, Ronald & Dorothy	826	1.01	Berkeley Auto Body	0.4591 ac
82 Route 9	Kromer, Ronald W Sr & Dorothy A	826	2	4 Seasons Rental Center	0.4591 ac
26 Route 9	Skrable, Scott & Michael	826	3	All State Fence	0.4591 ac
92 Route 9	Davis, Burton K	826	4	Hometown Dairy	1.38 ac
96 Route 9	Fuller, George E & Debra J	826	5	Ray's Marine Service	0.9183 ac
11 Gladney Ave	Russo, Sam S	826	9	Residential	0.9183 ac
13 Gladney Ave	Russo, Sam S	826	11	Residential	0.9183 ac
15 Gladney Ave	Russo, Sam S	826	13	Residential	0.9183 ac
Route 9 Rear	The Berkeley Water Company	826	14	Water tower	0.2296 ac

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ADDRESS	OWNER	BLK	LOT	EXISTING USE	LOT AREA
45 Locker St	Marshall, Kathleen M & Donald E Jr	826.01	4	Residential	0.2296 ac
43 Locker St	Marois, Robert G	826.01	5	Residential	0.2296 ac
41 Locker St	Gallagher, Lillian	826.01	6	Residential	0.2296 ac
39 Locker St	Ripalda, Angel & Aura	826.01	7	Residential	0.2296 ac
37 Locker St	Agnoli, Thelma	826.01	8	Residential	0.2296 ac
Route 9	Northeast Mall Ltd c/o Johnson	827	1	Vacant	0.4591 ac
Gladney Ave	Northeast Mall Ltd c/o Johnson	829	12	Vacant	0.9183 ac
Gladney Ave	Iadipaoli, Marie V	829	13	Vacant	0.9183 ac
20 Gladney Ave	Iadipaoli, Marie V	829	14	Residential	0.9183 ac
22 Gladney Ave	Hernandez, R Trustee & M Curnyn	829	15	Residential	0.9183 ac
32 Locker St	Fernandes, Joseph, John & Eva Marie	829.01	3	Residential	0.2296 ac
34 Locker St	Rowley, Dawn	829.01	4	Residential	0.2296 ac
19 Gladney Ave	Lee, Theresa A	830	2	Residential	0.9183 ac
21 Gladney Ave	Fernandes, Mark A	830	3	Vacant	0.9183 ac
Gladney Ave	Spezzaferro, Thomas & Angelina	830	4	Vacant	0.9183 ac
25 Gladney Ave	Knapp, Robert A III & Kimberly	830	5	Residential	0.9183 ac
Gladney Ave	Vigilante, Sandy & Theresa	830	6	Vacant	0.9183 ac
Gladney Ave	Melillo, Vito & Rose	830	7	Vacant	0.9183 ac
31 Gladney Ave	Oliver, Richard & Denise	830	8	Residential	0.9183 ac
36 Locker St	Haynes, Ella C	830.01	1	Residential	0.2296 ac
38 Locker St	Arcieri, John C & Claudine	830.01	2	Residential	0.2296 ac
40 Locker St	Castellano, Vincent & Bonnie	830.01	3	Residential	0.2296 ac
42 Locker St	Nadal, Victor	830.01	4	Residential	0.2296 ac
44 Locker St	Mezey, William J & Michelle A	830.01	5	Residential	0.2296 ac
136 Route 9	Southeast Mall	837	1	Private recreation/ amusement facility	71.84 ac
130 Route 9	Bayville Properties, Inc.	837	2	Vacant	0.2916 ac
140 Route 9	Bayville Properties, Inc.	837	4	Restaurant	2.35 ac
160 Route 9	The Mental Health Clinic of Ocean County	837	5	School	4.62 ac
150 Route 9	Bayville Properties, Inc	837	5.01	Commercial	1.845 ac
170 Route 9	Richmark Enterprises	837	6	Contractor	3.5 ac
176 Route 9	Zaccaro, Cosmo F & Helen M	837	7	Auto body & repair	3.12 ac
115 Van Hise Ln	Debcon I, LP	837	10	Residential	2.0 ac
Van Hise Ln	Debcon I, LP	837	12	Vacant	3.5 ac
Van Hise Ln	Debcon I, LP	837	13	Vacant	2.5 ac
Route 9 Rear	Southeast Mall LTD Partnership	837	14	Vacant	2.5 ac
Route 9 Rear	Debcon I, LP	837	15	Vacant	2.5 ac
Route 9 Rear	Debcon I, LP	837	16	Vacant	6.92 ac
C R R of NJ	N J Pulverizing Co	837	17	Industrial / Quarry	100.56 ac

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ADDRESS	OWNER	BLK	LOT	EXISTING USE	LOT AREA
4 <sup>th</sup> St	Berk-Lee Acres c/o Venino & Venino	837	17.01	Vacant	1.76 ac
4 <sup>th</sup> St	Carr, J c/o Carroll c/o Stapleton	837	31	Vacant	0.1722 ac
4 <sup>th</sup> St	Oest, Anna Est c/o Rafferty & Stedler	837	32	Vacant	0.1722 ac
Pheasant Dr. Rear	Southeast Mall	837.01	1.01	Vacant	38.88 ac
Pheasant Dr. Rear	Southeast Mall	837.01	1.02	Vacant	7.78 ac
Mallard Rd	Berkeley Twp	837.01	1.06	Public use	3.142 ac
Route 9 Rear	Zaccaro, Cosmo F & Helen M	837.01	6	Vacant	1.22 ac
Hickory Ln	So Shorelands Inc	858	46	Vacant	20.7 ac
186 Hickory Ln	Micro Ind Corp	858	46.01	Vacant	10.011 ac
Hickory Ln	The Fred R Brunetti Const Corp	858	46.02	Vacant	25.2 ac

Beachwood Mall parcel (Block 824, Lot 1): The lot owned by Beachwood Mall is the largest parcel in the Beachwood Plaza group, totaling 142 acres in size. The two primary uses on the parcel are the Beachwood Plaza Shopping Center, located at the front of the parcel along US Route 9, and the South Brunswick Asphalt Facility to the rear of the parcel.

Beachwood Plaza Shopping Center is designed with three distinct sections. At the northern end of the shopping center and closest to the Route 9 frontage is National Check Cashing. Adjacent to National Check Cashing is the Gulf service station is on a separate parcel (Block 824, Lot 1.01). The “middle” section consists of 11 storefronts, three of which are vacant. The remaining eight storefronts include a liquor store, 2 hair stylists (barber shop and Reflections Hair Designs), 2 record stores (GT Records and The Bent Page), 2 take out food stores (King Wok and Jersey Mike's) and Geyser's fitness center. Thunder Bowl bowling alley serves as an “anchor” between the “middle” and southern sections of the Shopping Plaza. The first two photographs show the “middle” section of the Shopping Plaza from the parking lot. The next two photographs are a more panoramic view of the Shopping Center.



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The largest section of the Shopping Center has the furthest setback from the Route 9 frontage. Of the 12 storefronts, only 2 appeared to have active businesses present: Route 9 Wickery and Silk Flowers. Nine of the storefronts, including a movie rental store and Berkeley Flea Market and Auction, were vacant. One more storefront, NJ Tae Kwon Do, did not appear to be in operation. The following photographs illustrate the condition of this section of the Shopping Center as well as the presence of minimal or no commercial activity.





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To the north of the main Shopping Center building on this parcel are two vacant buildings: a former Carvel ice cream store and a building formerly used as a flea market. The photographs illustrate that the former flea market is not in good condition.



Conditions at the rear of the shopping center showed signs of exterior damage. In addition to poor exterior building conditions, there are unpaved loading areas with poor drainage. The following photographs illustrate a cross-section of exterior conditions found at the rear of the shopping center.







To the rear of the Beachwood Plaza Shopping Center is the South Brunswick Asphalt facility, also located on the Beachwood Mall property. According to EPA source data (see **Appendix C**), various industrial operations have been conducted at this site since 1960, including sand and gravel mining, asphalt production, coal tar recycling and demolition debris refilling. The asphalt facility was opened after the Beachwood Plaza Shopping Center, which was built in the 1950s. Environmental issues are a primary concern regarding this facility.

Since 1983, a large quantity of coal tar emulsion wastes mixed with sand and gravel has been stockpiled on site in an unpaved and unbermed area. Other environmental concerns include an inactive landfill area, abandoned drums, three waste oil lagoons and discarded electrical transformers. Preliminary sampling conducted by the New Jersey Department of Environmental Protection (NJDEP) in 1990 and 1992 confirmed the soil and ground water was contaminated. A private water company supply well located 1,500 feet east of the asphalt facility was closed in 1999 due to benzene contamination. The following photographs are the South Brunswick Asphalt facility.



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There are several parcels located in the center of the Beachwood Mall parcel. Fronting along Gladney Avenue and Locker Street, many of these are single-family residential parcels. These parcels make up the core of what appears to have been an unfinished residential neighborhood. Within this area, there are several vacant residential parcels.

Southeast Mall parcel (Block 837, Lot 1): The 71.84-acre lot is located south of the Beachwood Plaza Shopping Center. A portion of the parcel is utilized as Blackbeard's Cave, an amusement and recreation facility that includes a golf driving range, miniature golf course, baseball batting cages, and other amusements. These uses are considered "holding uses," as they are not "permanent" in that there are no buildings with permanent foundations. The uses are also seasonal in nature. The top two photographs provide a view of Blackbeard's Cave amusement center from near the Route 9 property frontage. The following two photographs show existing conditions near the property frontage and the lack of development on the site.



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NJ Pulverizing Company parcel (Block 837, Lot 17): The second largest parcel in the Beachwood Plaza area, this 100.56-acre property is located in the General Industrial Zone and is used as a quarry. There is no frontage along Route 9, as this parcel is bounded by the Central Railroad right-of-way to the west, the Southeast Mall parcel (Block 837, Lot 1) to the north, parcels abutting Mill Creek to the east and Segal Avenue to the south. Environmental concerns must be considered given the nature of the activity occurring on this parcel. Given the size of the parcel, any redevelopment plan involving the larger parcels in the Beachwood Plaza Study Area should take into consideration how this parcel would affect potential development.

Cosmos Auto Repair (Block 837, Lot 7): A three acre parcel located near Mill Creek, this site contains a auto body shop and junkyard, both uses which are non-conforming with the Highway Business zoning district regulations. The type of use also raises environmental concerns, as runoff from the parcel may threaten Mill Creek. The following photographs illustrate the current condition of the parcel.



Other Parcels in the Beachwood Plaza area: Several parcels are located along Route 9. These include a variety of uses such as Eagle Speed Auto Lube (Block 825.02, Lot 6), a strip retail building containing Moore's Farm Market and Garden Center, Ralph's Italian Ices and AZ Wireless (Block 825.01, Lots 3-5), All State Fence (Block 826, Lot 3), Hometown Dairy (Block 826, Lot 4), Ray's Marine Service (Block 826, Lot 5) and First Union Bank (Block 825, Lot 1).



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### Downing's Restaurant

Located at the corner of US Route 9 and Hickory Lane in the Highway Business Zone, the three parcels at 562-572 Route 9 (Block 858, Lots 29-31) comprise 2.3445 acres and include the Downing's Restaurant building that is now vacant. The building exterior is in poor condition. A building code violation dated 1998 was found posted to the main restaurant building, deeming the structure "unfit for human habitation." There is a non-municipal lien on all three parcels as indicated by the Township Tax Collector's Office.



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*Bayville Glass*

Located at 175 Route 9 (Block 882, Lot 4.01), Bayville Glass is across from the Beachwood Plaza study area. The 13-acre lot is located in the Highway Business Zone and has frontage along the busy commercial corridor. Adjacent to the southerly property line is County owned property. A creek and swamp are indicated on the tax maps near the rear property line. Several structures on the parcel appear to be unused and in poor exterior condition, as illustrated in the photographs below.



*Dream Motors*

This 7.22-acre site, consisting of 3 parcels located at 978, 980 & 992 Route 9 (Block 1014, Lots 16, 17 & 17.01), is located at the southern end of the Study Area. One of the parcels on the site is occupied by a used car dealership, which is a non-conforming use in the Highway Business Zoning District. Among the three parcels, one is vacant and another has an unoccupied building appearing from the exterior in disrepair. The Dream Motors building also appears to have some degree of disrepair. These properties may have difficulty with sewer hookup since they are located outside the Township's sewer service area.





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*Berkeley Flower Shop*

This two parcel site (Block 1228, Lots 6.04 & 7) is referred to as the Berkeley Flower Shop, which once occupied the vacant building at 497 Route 9. The vacant commercial building has signs of exterior disrepair, as illustrated in the following photographs. A vacant lot is available for development. These parcels only total 0.6936 acres and have residential uses adjacent to the rear property lines.



*Moby's Retail Center*

The Moby's Retail Center site consists of four parcels totaling 5.66 acres located at 750 Route 9 (Block 956, Lots 1, 2, 3, & 3.02). The major parcel (Lot 3.02) is a 3.75-acre parcel on which Moby's retail center and several other structures, which appear to be used for storage. The following photographs show the existing conditions to the rear of the store, illustrating an area used for storage. There are several residential parcels surrounding the site and the business is still in operation. Included in **Appendix D** is a record of building code violations for Block 956, Lot 2.



*Bayville Cedar Products*

Located at 468 Route 9 (Block 858.17, Lot 13.01), the 0.81-acre parcel is located in the Highway Business Zone and is currently occupied by a vacant building. The exterior appears in poor condition. The lot is relatively small and is surrounded by parcels where other development is taking place. This parcel, together with neighboring Lot 14, has received approval to develop a car wash on the site.

*Vacant Gas Station*

Located at 607 Route 9 (Block 1301, Lot 6) on the eastern side of Route 9, this site consists of a vacant gas station. The 3.39 acre lot is zoned for Highway Business along the frontage and R-100 Residential. The existing building has exterior damage, including broken windows and bricks. There is no curbing along the 200 feet of highway frontage. A notice of building code violations from 1998 for Block 1301, Lot 6 is included in **Appendix D**.



The parcel owner lives on a residential property (Block 1301, Lot 5) adjacent to the vacant gas station lot. There is a lake adjacent to the southerly lot line of this parcel.

*Vacant Professional Building*

Located at 687 Route 9 (Block 1333, Lot 13.01), this 10.189-acre parcel consists of a vacant professional office building. There is a non-municipal lien on the property. The front of the parcel is located in the Highway Business Zone, while most of the property to the rear is in the R-100 Residential Zone. The property is in generally good condition. There are no signs of obvious exterior distress such as broken windows, cracked pavement, etc.



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Haverty's

Located at 318 Route 9 (Block 839, Lot 1.01) at the intersection of Route 9 and Chain Boulevard, this 0.86-acre parcel is occupied by Haverty Auto Tops. There is a business sign in front that reads "Ron's Speed and Machine." The parcel is located in the Highway Business Zone. The property appears to be used as an auto and boat storage facility, as indicated on the photographs below, a use not consistent with those permitted in the Highway Business Zone. There are 3 vacant lots adjacent to the rear of the property (Block 839, Lots 2, 3 & 4) totaling 1.12 acres in area.



Johnson Rentals

Located at 252 Route 9 (Block 837.02, Lot 2.01), this 1.457-acre parcel consists of Johnson Rentals, a truck and equipment rental business. A large portion of the property is used for vehicle storage. Adjacent to Johnson Rentals is a property owned by Clear Cablevision Inc. (Block 837.02, Lot 2). The Clear Cablevision property, totaling 3.083 acres in area, has several trucks and other equipment parked on the lot in a similar fashion to Johnson Rentals, as outlined in the following photographs.

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#### **4.0 FINDINGS AND RECOMMENDATIONS**

Based upon the findings in the Study Area, a determination has been made that a significant number of the Beachwood Plaza area properties meet at least one of the established criteria for the designation of “an area in need of redevelopment” as set forth by the Local Redevelopment and Housing Law. The Downing’s Restaurant and Berkeley Flower Shop parcels also meet the criteria for the designation of “an area in need of redevelopment.”

Some of the other areas in the Study Area fit at least one of the delineated criteria for a “Rehabilitation Area” as outlined in Section 14 of the Local Redevelopment and Housing Law. A Rehabilitation Area may be designated by the governing body if it determines by resolution that there exist in an area conditions such that (1) a significant portion of structures therein are in a deteriorated or substandard condition and there is a continuing pattern of vacancy, abandonment or underutilization of properties in the area, with a persistent arrearage of property tax payments thereon or (2) more than half of the housing stock in the delineated area is at least 50 years old, or a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance; and (3) a program of rehabilitation, as defined in section 3 of P.L.1992, c.79 (C.40A:12A-3), may be expected to prevent further deterioration and promote the overall development of the community.

##### **Redevelopment Area: Beachwood Plaza study area**

Forty-three of the 70 parcels contained within the Beachwood Plaza study area, and outlined on the map in **Appendix B**, meet at least one of the criteria required for designation as “an area in need of redevelopment” as set forth in the Local Redevelopment and Housing Law. The parcels meeting at least one of the redevelopment criteria have non-residential uses.

The criteria applicable to the area are outlined and an explanation how some or all of the non-residential parcels in the Beachwood Plaza study area follows.

***Criteria “b” - The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.***

The exterior conditions at the Beachwood Plaza Shopping Center indicate significant disrepair. More than half of the storefronts are vacant. Thirteen of the 23 storefronts facing the Route 9 frontage are vacant, with most of the vacancies concentrated on the southern section of the strip shopping center. In addition, the flea market and Carvel store buildings located on the northern end of the shopping center parcel were also vacant, with no apparent commercial business occurring.

Many of the vacant storefronts have broken and boarded up windows. Given the level of vacancy present at the shopping center and the exterior physical conditions, it is unlikely that the shopping center would be able to fill those vacancies with retail commercial uses. Other conditions contributing to the shopping center becoming untenable include the antiquated parking lot, made of concrete and showing signs of disrepair, including broken pavement and light poles, as well as the rear delivery area of the property exhibiting signs of damage, some of which may have been caused by water coming off the shopping center rooftop. There is also an area in the rear where disabled trucks and truck parts are left abandoned, negatively affecting the shopping center's commercial viability.

***Criteria "d" - Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.***

The Beachwood Plaza Shopping Center has an obsolete layout, including potentially insufficient loading spaces and a concrete parking lot that is not adequate for modern commercial development. The overall design of the site is not conducive to modern commercial shopping center development. The site lacks a comprehensive lighting, landscaping and traffic circulation plan. Dumping of automotive and truck parts in the rear contributes negatively to the site, as such activity has a negative environmental impact on the site. The extent of runoff from the abandoned vehicles and vehicle parts is unknown, but any potential investor in the site may be responsible for the clean up.

The shopping center site has impervious coverage in excess of the 30 percent maximum under the CAFRA regulations governing development in the Coastal Suburban Planning Area where the study area is located. This condition limits development of a similar type of shopping center without the addition of neighboring properties to conform to CAFRA requirements.

The high level of vacancy over an extended period of time due to obsolete layout and excessive land coverage has caused a lack of proper utilization resulting in a stagnant condition on property that otherwise has good location and access. In addition, the poor condition of the properties adversely affects the image of the Township and the property values of adjacent areas.

***Criteria “e” - A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein or other conditions, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.***

Environmental concerns, with particular attention to the South Brunswick Asphalt facility and the adjacent quarry, provide greater difficulty in bringing together the parcels for a comprehensive development. In addition, the Cosmos Auto Parts parcel, a non-conforming use in the Highway Business zoning district, is located near Mill Creek, where potential runoff from materials associated with the existing business may pose a threat to the surrounding environment. These issues must be addressed in order to make the larger parcels potentially useful and viable.

The number of owners included in the Beachwood Plaza area is such that it has resulted in some lots being underutilized and others operating with uses inappropriate with the development pattern along US Route 9 and the goals and objectives of the Township Master Plan.

Among the factors causing development constraints over each of the areas being investigated include CAFRA regulations and the existing utility infrastructure. The Study Area is located within the Coastal Suburban Planning Area as governed by CAFRA. Where a CAFRA Permit is required, the maximum coverage limit is 30 percent. The Highway Business Zoning District coverage limit requirements are 50 percent, but may be superseded by CAFRA when applicable. Any plan for redevelopment involving vacant land must consider the 30 percent CAFRA coverage requirement. CAFRA does allow for a lot to be redeveloped provided it does not exceed existing coverage. In addition, not all of the properties may have access to sewer service, particularly those in the southern part of the Study Area.

**Redevelopment Area: Downing's Restaurant study area**

The three parcels comprising the Downing's Restaurant study area meet at least one of the criteria required for designation as "an area in need of redevelopment" as set forth in the Local Redevelopment and Housing Law. The criteria applicable to the area are outlined as follows:

***Criteria "a" - The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living conditions.***

The structures on the property have been deemed unsafe by the Township Building Department. An exterior assessment indicates the buildings are substandard for any commercial use and not safe for occupation.

***Criteria "b" - The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.***

The condition of the former Downing's Restaurant building and other structures on the property are in significant disrepair, which is confirmed by the Building Department issuing violations against the property owner. The restaurant building has been deemed unsafe and in violation of the building code according to Township building officials.

***Criteria "e" - A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein or other conditions, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.***

There is a non-municipal lien on the properties comprising the Downing's Restaurant study area. A copy of the Township tax records confirms the lien and is located in **Appendix E** of this report.

**Redevelopment Area: Berkeley Flower Shop study area**

The Berkeley Flower Shop parcels meet at least one of the criteria required for designation as “an area in need of redevelopment” as set forth in the Local Redevelopment and Housing Law. The criteria applicable to the area are outlined as follows:

***Criteria “a” - The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living conditions.***

An exterior assessment indicates the buildings are substandard for any commercial use and not safe for occupation.

***Criteria “b” - The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.***

The condition of the former Berkeley Flower Shop building is in significant disrepair, which is confirmed by the Building Department issuing violations against the property owner.

**Rehabilitation Area**

Several of the parcels included in the overall Study Area should be designated as rehabilitation areas, based on the criteria outlined in Section 14 of the Local Housing and Redevelopment Law that “a significant portion of structures therein are in deteriorated or substandard condition and there is a continuing pattern of vacancy, abandonment or underutilization of properties in the area, with a persistent arrearage of property tax payments thereon.”

The properties that should be considered as areas in need of rehabilitation are as follows:

**Bayville Glass:** Several of the structures on the site appear in poor exterior condition and are not used in a.

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*Dream Motors*: Both of the buildings on the parcels, one of which is vacant, appear in disrepair. The vacant building will require renovation in order to become tenantable.

*Vacant Gas Station*: The existing building has exterior damage, including broken windows and bricks. There is no curbing along the 200-foot lot frontage along US Route 9.



## **5.0 CONCLUSION**

In considering declaring a parcel or group of parcels an “area in need of redevelopment,” the primary objective should be entering into one or more public-partnerships to overcome current economic obstacles to development. Contrary to popular belief, the designation of an area as a redevelopment area or rehabilitation area does not necessarily qualify it for any special public grants or loans.

Redevelopment is a powerful method to potentially revitalize economically underutilized and unproductive areas. Conversely, the process is also controversial and potentially politically charged tool that should be exercised only when other market oriented solutions for the properties under study have been ineffective. Our approach to investigating the potential of using the statutory redevelopment process in the Route 9 corridor is to minimize the number of viable properties directly affected and focus on the properties that meet the statutory criteria and are in a condition that adversely affects the image of the Township and the property values of adjacent areas.

Two approaches to addressing such problem properties are through rehabilitation area designation and/or redevelopment area designation. The process is different for each, with the primary difference between the two being the use of Eminent Domain to acquire private property, which can only take place in a designated redevelopment area after the adoption of a redevelopment plan by ordinance of the governing body and only if the property is identified for acquisition. A redevelopment plan is required in order to use redevelopment powers in either a rehabilitation area or redevelopment area.

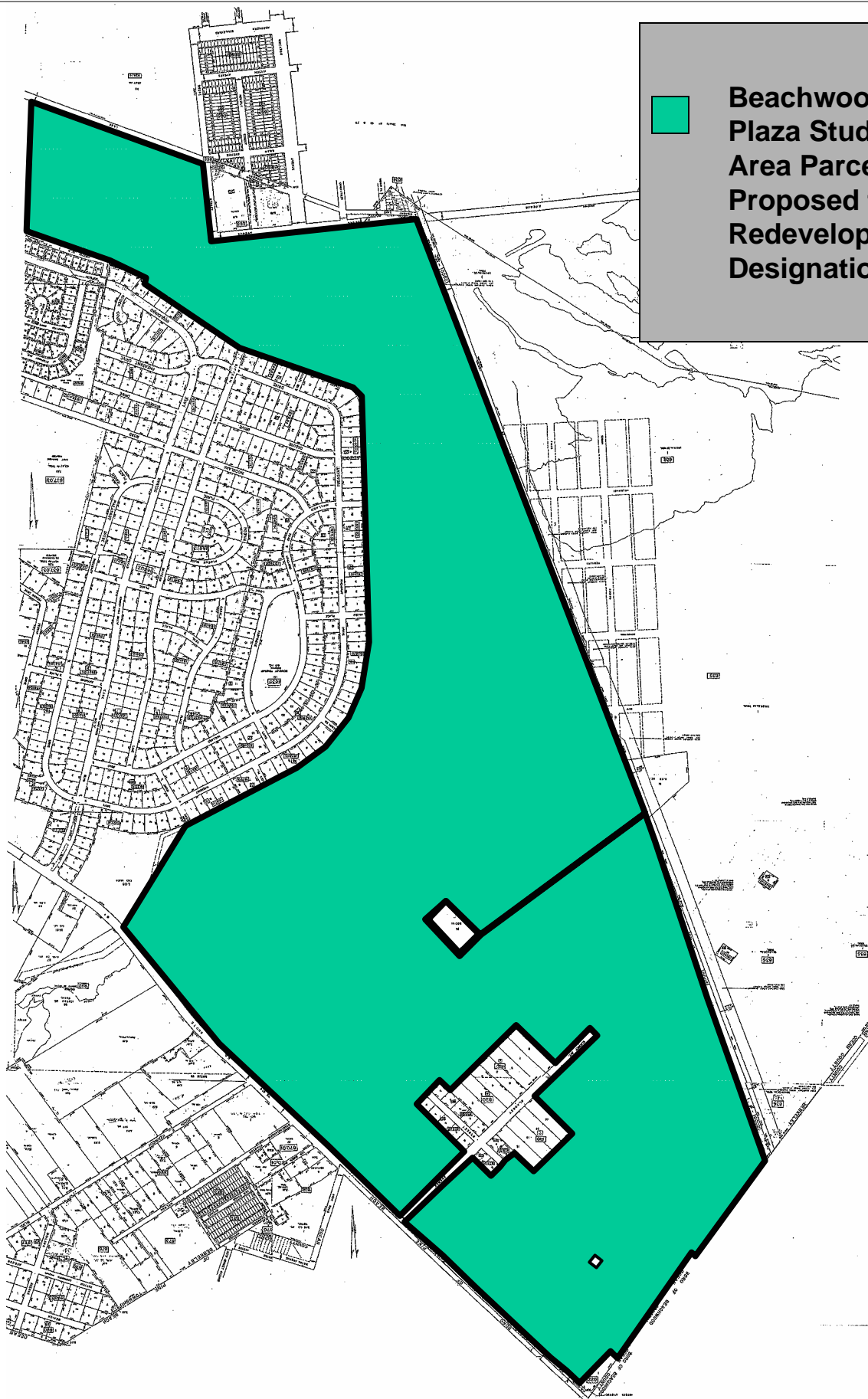
Our investigation has determined that parcels outlined in this report may qualify under some of the criteria outlined for either or both designations. Our recommendations are as follows:

1. Qualify and designate the Beachwood Plaza area, excluding the residential land uses, Downing’s Restaurant, and Berkeley Flower Shop redevelopment areas. Develop a redevelopment plan for this area only, based on the consensus of land uses taken from the Vision Plan. Use redevelopment powers to convey Township owned properties to private developers without the need for public bid under redeveloper agreements. Foreclose on tax liens in area rather than selling them to enable other conveyances to private developers under redeveloper agreements.

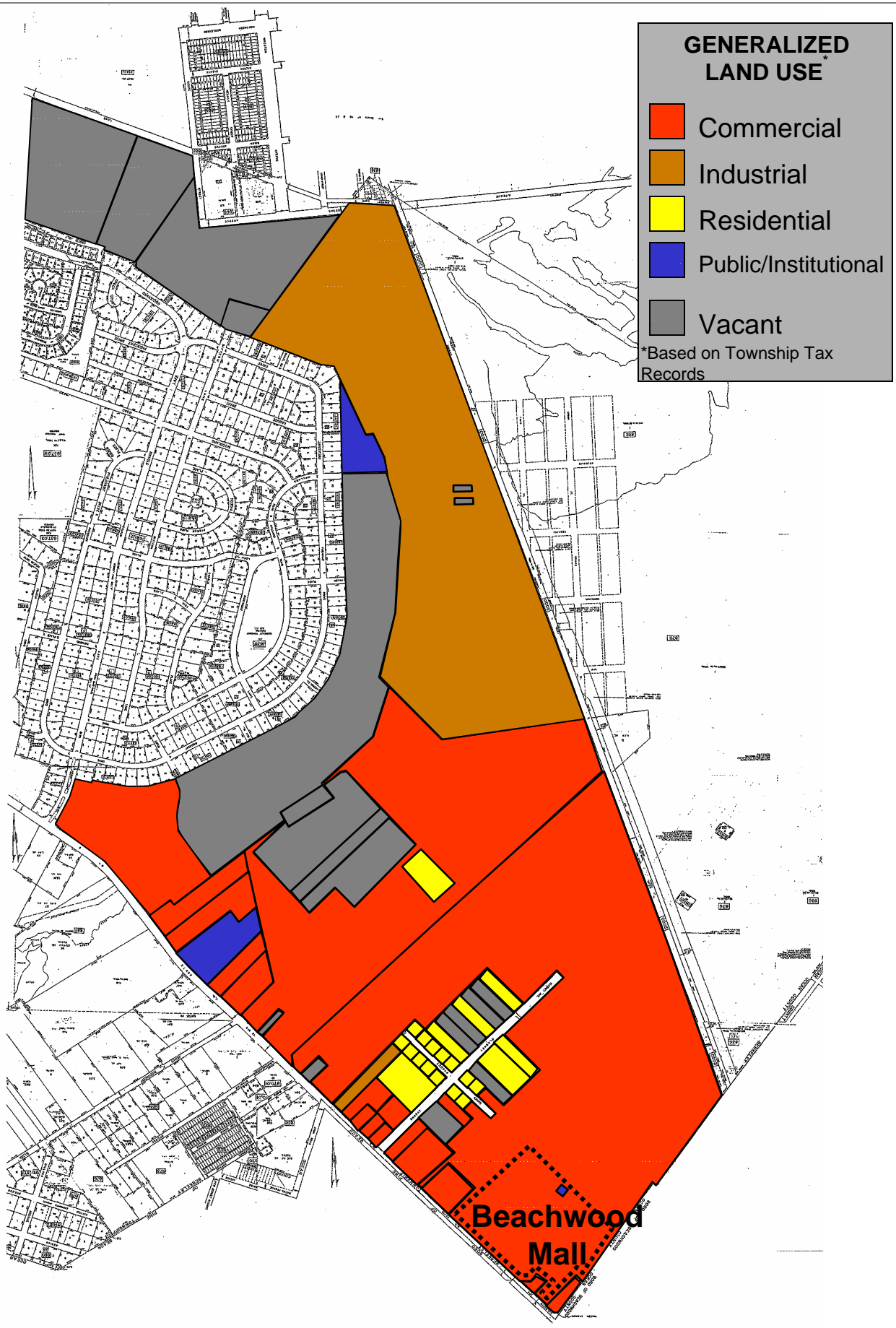
2. Designate the parcels outlined in **Section 4.0** as a rehabilitation area. Offer five-year tax abatement agreements as an economic incentive to existing owners willing to voluntarily rehabilitate or redevelop their properties in accordance with the redevelopment plan, which will either replace or be an overlay over the existing zoning.

Should the Township wish to pursue a more aggressive strategy, it would be to have two separate redevelopment areas, which could be designated either separately or simultaneously using the same investigation report. The Beachwood Plaza could be a separate redevelopment area, with the other scattered sites being listed by block and lot and address as another redevelopment area. This “scattered site” designation approach has been used successfully municipalities such as Montclair, Plainfield and Asbury Park. To date there have been no court cases to our knowledge that have challenged the use of a “scattered site” redevelopment area designation.

# **APPENDICIES**



 **Beachwood  
Plaza Study  
Area Parcels  
Proposed for  
Redevelopment  
Designation**



**APPENDIX A:**  
**PLANNING BOARD RESOLUTION**  
**AUTHORIZING REDEVELOPMENT PLAN**  
**INVESTIGATION**

**APPENDIX B:**  
**MAPS OF STUDY AREA**  
**AND BEACHWOOD PLAZA PARCELS**

**APPENDIX C:**  
**ENVIRONMENTAL DATA**



**APPENDIX D**  
**COPIES OF BUILDING AND PROPERTY**  
**MAINTENANCE VIOLATIONS**

**APPENDIX E**  
**PROPERTY TAX ARREARAGE DATA**